

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

██████████ and ██████████ as Parents
and Natural Guardians of their son, ██████████, a person under
the age of 18, and ██████████

Plaintiffs,

v.

Civ. No.: 23-CV-207

STARPOINT CENTRAL SCHOOL DISTRICT, BOARD
OF EDUCATION OF THE STARPOINT CENTRAL
SCHOOL DISTRICT, and DR. SEAN CROFT, in his
official capacity as Superintendent of Schools of the
Starpoint Central School District,

Defendants.



NOTICE OF MOTION

Nature of Action:	Title IX.
Moving Party:	Defendants.
Date and Time:	Date and time to be determined by the Court.
Place:	United States District Court, 2 Niagara Square, Buffalo, New York.
Supporting Papers	Declaration of Ryan G. Smith dated March 13, 2023.
Answering Papers:	If any, are due 14 and 28 days after service of this motion pursuant to Local Rule 7(b)(2) unless the Court issues an Order setting deadlines pursuant to Local Rule 7(b)(1).

Relief Requested: An Order granting Defendants electronic access and electronic filing in this sealed case.

Grounds for Relief Requested Rule 5.3 of the Local Rules of Civil Procedure.

Oral Argument: If deemed necessary by the Court.

DATED: Buffalo, New York
March 13, 2023

WEBSTER SZANYI LLP
Attorneys for Defendants

By: 
Ryan G. Smith
1400 Liberty Building
Buffalo, New York 14202
(716) 842-2800
rsmith@websterszanyi.com

TO: Angelo DiMillo, Esq.
Attorney for Plaintiff, 
14 West Main Street
Lockport, NY 14094

TO: Gross Shuman P.C.
B. Kevin Burke, Jr, of Counsel
Attorney for Plaintiff, 
465 Main Street, Suite 600
Buffalo, NY 14203

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

██████████ and ██████████ as Parents
and Natural Guardians of their son, ██████████ a person under
the age of 18, and ██████████

Plaintiffs,

v.

Civ. No.: 23-CV-207

STARPOINT CENTRAL SCHOOL DISTRICT, BOARD
OF EDUCATION OF THE STARPOINT CENTRAL
SCHOOL DISTRICT, and DR. SEAN CROFT, in his
official capacity as Superintendent of Schools of the
Starpoint Central School District,

Defendants.

**DECLARATION OF RYAN G. SMITH
IN SUPPORT OF DEFENDANTS' MOTION TO ELECTRONICALLY
ACCESS AND FILE DOCUMENTS IN SEALED CASE**

I, Ryan G. Smith, Esq., hereby swear and affirm the following under penalty
of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law duly admitted to practice before this Court
and I am a partner with the law firm Webster Szanyi LLP, attorneys for Defendants
Starpoint Central School District, Board of Education of the Starpoint Central School
District, and Dr. Sean Croft (collectively referred to as "the District"). As such, I am familiar
with the facts and circumstances of this action.

2. I submit this declaration in support of the District's motion for
permission to electronically access and file documents in this case.

3. On March 7, 2023, the District filed a Notice of Removal with the Clerk of the Supreme Court of the County of Niagara and with this Court.

4. Separately on March 7, 2023, the District submitted a Motion to File Under Seal requesting that Defendants' Notice of Removal, and this case, be filed under seal indefinitely in accordance with Local Rule 5.3.

5. Upon information and belief, this case is being treated as under seal pending resolution of Defendants' Motion to File Under Seal, or the court has granted said Motion. In either event, as of the time of this Declaration, I am unable to access the Docket electronically.

6. In order to comply with any applicable deadlines set by this Court and to adequately represent the District in this matter, I respectfully request permission to electronically access and file documents in this case. I also request that my assistant, Jessica Connors, and attorney Angela F. Kutzfara of my office be granted the same permission.

Dated: March 13, 2023

By: 
Ryan G. Smith, Esq.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

[REDACTED] and [REDACTED] as Parents
and Natural Guardians of their son, [REDACTED] a person
under the age of 18, and [REDACTED]

Plaintiffs,

Civ. No.: 23-CV-207

9v.

STARPOINT CENTRAL SCHOOL DISTRICT,
BOARD OF EDUCATION OF THE STARPOINT
CENTRAL SCHOOL DISTRICT, and DR. SEAN
CROFT, in his official capacity as Superintendent of
Schools of the Starpoint Central School District,

Defendants.

CERTIFICATE OF SERVICE

I, Ryan G. Smith, hereby certify that on March 13, 2023, I served the
foregoing Notice of Motion, by first class mail, postage prepaid, upon counsel listed
below:

Angelo DiMillo, Esq.
Attorney for Plaintiffs [REDACTED]
Leuer
14 West Main Street
Lockport, NY 14094

Gross Shuman P.C.
B. Kevin Burke, Jr, of Counsel
Attorney for Plaintiff, [REDACTED]
465 Main Street, Suite 600
Buffalo, NY 14203

WEBSTER SZANYI LLP
Attorneys for Defendants

By: 
Ryan G. Smith
424 Main Street, Suite 1400
Buffalo, New York 14202
(716) 842-2800
rsmith@websterszanyi.com